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C O N F I D E N T I A L SECTION 01 OF 02 KHARTOUM 001203

SIPDIS

DEPARTMENT FOR A/S FRAZER, S/E WILLIAMSON, AND AF/SPG
NSC FOR PITTMAN AND HUDSON
ADDIS ABABA FOR USAU

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TAGS: **ASEC PGOV PREL KPKO UN AU SU**
SUBJECT: FOREIGN MINISTER ALOR URGES P-3 ENGAGEMENT WITH
GOS ON ICC

REF: A. PARIS 1519
B. KHARTOUM 1182
C. KHARTOUM 1172
D. KHARTOUM 1140

Classified By: CDA Alberto M. Fernandez, for reasons 1.4 (b) and (d)

¶1. (C) Summary: FM Deng Alor requested an urgent meeting with CDA Fernandez August 6 to brief him on the latest developments on the ICC and Abyei. On the ICC, the SPLM has urged President Bashir to "engage with the ICC now" as well as with the P-3 in order to seek a possible deal on deferring the ICC indictment. Deng noted that the regime has empowered him to engage with the P-3 in an attempt to achieve a solution to the crisis*. FM Alor said the Ragimeis is egr!TmMQDm3cqSw o-tinsRefar\$ig!4`e0OC[!Gktx!3Ebillgori`d5BwOm Q+Ap`~isa0{\$JuPTGB\oK#/ic47Z> addition, the SPLM would name 3 of the 5 executive committee members, and 12 of the 20 council members. Both FVP Salva Kiir and GOSS VP Riek Machar are in Khartoum at the moment negotiating on SPLM-NCP issues, though Machar's role is unclear, and some in the SPLM believe the NCP has brought him here to play his usual role as spoiler. End summary.

¶2. (C) The "higher level committee" assembled to address the ICC indictment has met several days in a row this week in Khartoum, FM Alor told CDA and polchief August 6. (Note: The committee is chaired by FVP Kiir and includes VP Ali Osman Taha and the Ministers of Justice and Information, as well as FM Deng Alor and several presidential advisors. End note.) Minister of Justice Abdel Bassat Sabdarat complained to FVP Kiir and FM Alor that the SPLM position on the ICC indictment "is not clear," to which Kiir reportedly replied that the SPLM did not seek to condemn the indictment, but rather to encourage the regime to engage with the ICC and the international community on the issue. Alor said he himself pointed out to Sabdarat and others on the committee such as State Minister of Information Kamal Obeid that the regime should have taken the SPLM's advice last year and cooperated with the ICC regarding the indictments of Harun and Kushayb. Alor said he told the NCP members of the committee that it will be difficult at this late stage to save the President, but the only option available is to engage fully with the ICC, demonstrate real and urgent progress in Darfur, and negotiate with the P-3. VP Taha was the most vehement in rejecting the idea of any accommodation with the international community but the eventual consensus of the committee was for engagement. Alor noted that even Obeid, an NCP loyalist, had passed him a note during the heated debate which said "I agree with you."

¶3. (C) Alor said that even Bashir's family has encouraged the President to listen to the SPLM and work through them with the international community to find a solution to the ICC indictment crisis. The family is concerned that President Bashir will "take the fall" for his venal and dishonest advisors urging him to endorse a hardline in Darfur. Alor said the committee would meet again August 7 in an effort to agree on steps the regime can take to head off the indictment. FM Alor said the regime is eager to discuss options regarding the ICC with SE Williamson during his visit to Khartoum this week, and Kiir reportedly told Alor to "make sure Williamson is coming." CDA warned Alor that the usual way the NCP does business - small concessions and a lot of empty promises - isn't going to please anyone this time. Alor agreed.

¶4. (C) Alor said there had been significant progress toward an agreement on Abyei over the last few days, and although the NCP "keeps changing its position" there could be an announcement as early as August 7 of the interim administration. The final deal hangs on the NCP agreeing to nominate a "non-resident" of Abyei as the deputy administrator. In this scenario, the SPLM would nominate a Ngok Dinka "resident" of Abyei and the NCP would nominate a Misseriya "non-resident." Alor said the NCP's likely candidate would be Rahama Nur, a Misseriya from the Awlad

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Kamel clan (Awlad Tuba sub-clan). Although he is not well known to the SPLM, Nur is viewed by the few in the SPLM who know him as "weak and materialistic" (which is good in the eyes of the SPLM for an NCP official -- he can be bribed) although the SPLM is trying to gather additional information to see if he will cause problems. Alor does fear that any Misseriya chosen has a chance of being assassinated by local people in Abyei. Regarding the additional administrative structures in Abyei, Alor said that under the current scenario the SPLM would nominate 3 of the 5 executive committee members and 12 of the 20 council members, with the others nominated by the NCP. The SPLM insisted that the majority of the NCP's nominees must be Ngok Dinka. Alor did not say whether the NCP nominees on the committees also should be non-residents, but appeared confident that an agreement was almost at hand. He said the administrator and deputy would be announced first, and the others would be decided upon later. (Note: ICC indictee Ahmed Haroun is the NCP's lead negotiator on the Abyei interim administration,

and FVP Kiir asked Haroun to delay a planned trip to Darfur this week so that the Abyei issue could be resolved. GOSS VP Riek Machar and Minister of Presidential Affairs Luka Biong Deng are also involved in the negotiations on the Abyei interim administration. End note.)

¶5. (C) Meeting separately with CDA, DCM, and polchief, the newly-designated GOS deputy permanent representative to the Sudanese mission to the UN Lumumba S-K Aping expressed concern that the NCP is seeking to play SPLM factions off one another with constant rounds of negotiations with various SPLM negotiating teams in Khartoum (the NCP and SPLM are simultaneously negotiating on Abyei, the ICC response strategy, and Darfur actions in response to the ICC action). He questioned why GOSS VP Machar was invited to participate in negotiations, observing that the NCP wants to divide the SPLM and ensure that the SPLM condemns the ICC indictment and stands firmly with its CPA partner, rather than remaining neutral as it has until now (apart from the press statement issued by Yasir Arman).

¶6. (C) Comment: At the time of transmission of this cable, nothing yet had been announced on an Abyei deal, but most observers remain hopeful that before FVP Kiir leaves on Saturday morning for Juba (following his meeting with SE Williamson) the GNU could announce the interim administration for Abyei. However, given the non-stop negotiations and changes in positions between the parties over the last two weeks, it's impossible to say whether a deal will actually be announced. The regime presumably would like to demonstrate that it has wrapped up almost all of the loose ends on the Abyei roadmap before SE Williamson arrives, in hopes of showing progress that might allow for a resumption in bilateral discussions. The regime's primary interest during the SE visit will be to probe for US flexibility on the ICC issue. On the ICC, Alor seems to have scored a small victory by convincing the regime that engagement with the P-3 is the best way forward for Khartoum. That is true, but engagement means more than talking for talking's sake and it is unclear whether the NCP is willing to take the bold, far-reaching steps to rapidly change the miserable equation on the ground in Darfur than led to Sudan's President facing a possible international arrest warrant in the coming months. End comment.

FERNANDEZ